



5. Attached as Exhibit D is a true and correct copy of Defendants' June 3, 2010 letter to the AAA.

6. Attached as Exhibit E is a table of selected class arbitrations prepared by Defendants' counsel which includes five class arbitrations in which counsel for Plaintiff represented a party, and one in which counsel for Defendants represented a party. The table indicates for each matter the length of time between the filing of the arbitration demand and when the clause construction award was issued. This table was created from the information made available on the AAA's publicly accessible Class Arbitration Docket, found at <http://www.adr.org/sp.asp?id=25562>. The average time for the issuance of a clause construction award in these matters was over 1 year, 4 months. True and correct copies of the class arbitration dockets for each of the matters listed in Exhibit H, are attached hereto as Exhibit I, together with a true and correct copy of the clause construction award issued in *David Haro, et al. v. NCR Corporation, et al.*

7. Attached as Exhibit F is a true and correct copy of the AAA's Class Arbitration website home page.

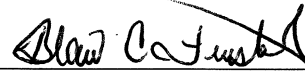
8. Attached as Exhibit G is a true and correct copy of the AAA's Commercial Arbitration Rules.

9. Attached as Exhibit H is a true and correct copy of the AAA's Supplementary Rules for Class Arbitrations.

10. Attached as Exhibit I is a true and correct copy of the AAA's Policy on Class Arbitrations.

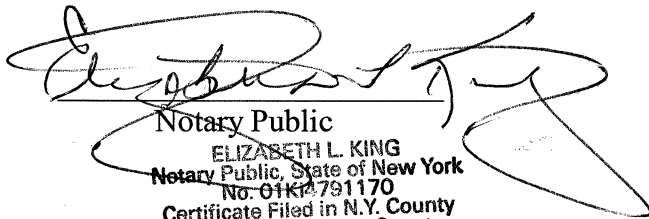
11. Attached as Exhibit J is a true and correct copy of a set of class arbitration decisions, publicly available on the AAA's website. These decisions are all from the clause construction award

phase under AAA Supplementary Rule 3. In these decisions, arbitration clauses with the “any controversy” or “any dispute” construction are held to permit class arbitration.



BLAIR C. FENSTERSTOCK

Sworn to before me this  
23rd day of July, 2010



Notary Public  
ELIZABETH L. KING  
Notary Public, State of New York  
No. 01K1791170  
Certificate Filed in N.Y. County  
Qualified in Queens County  
Commission Expires January 31, 2011